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ABSTRACT

The effects of bilingual education and programs for students who are not native speakers of English have not been researched thoroughly enough to provide sufficient, accurate, and meaningful evidence that will support litigation. Accordingly, this paper provides a historical review of the role of litigation in obtaining educational equity for language minority students, and explores the issues and concerns that should be subjects of research in the future if educational equity for these students is to be adequately protected or enhanced in the courts. Also discussed is the socio-political context in which bilingual education litigation has evolved. Past bilingual education research is analyzed and criticized. (PGD)

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LITIGATION STRATEGIES FOR EDUCATIONAL EQUITY: BILINGUAL EDUCATION AND RESEARCH

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(with Roger Rice and Richard Navarro)

ABSTRACT

The purpose of this paper is to review the role of bilingual education litigation in facilitating greater educational equity for national origin minority students in the public schools, and the contraints imposed upon the litigation strategies by the scarcity and limitations of national origin and bilingual educational research. In addition, the authors discuss socio-pedagogical issues and concerns that may provide guidance on the types of inquiries researchers must make to give greater clarity to the condition of the education of national origin groups --especially Hispanics-- and on the types of educational approaches which can enhance equality of educational opportunity for these students.

In summary, the paper offers an overview of the socio-political context in which national origin and bilingual education litigation on behalf of national origin minority students has evolved; a brief analysis and critique of bilingual education research; and an articulation of the type of research necessary to inform present/future strategies in national origin, bilingual equity litigation.

LITIGATION STRATEGIES FOR EDUCATIONAL EQUITY: BILINGUAL EDUCATION AND RESEARCH

Fifteen years into the involvement of the federal government in bilingual education, as the Congress debates the reauthorization of Title VII of the Elementary and Secondary Education Act of 1965 under its proposed new name ("Academic Equity and Excellence Through Bilingual Education Act of 1984"), basic questions remain unanswered or only partially answered through research in the field of bilingual education and, more generally, with regard to the education of language minority students.

The debate over bilingual education and its effectiveness takes place in the political arena as part of the broader debate over what are the best practices to educate children in America's schools in order for them to become productive members of society. Language minority children constitute an important subset of this larger group, one that has grown significantly in the past two decades and is likely to continue to expand greatly in the next two.

The ideological climate in which this debate occurs is generally not supportive of the notion of bilingual education, and is affected by the public's attitudes about other issues currently affecting society, such as immigration. Educational policy for language minority children --especially those who have limited proficiency in English (LEP)-- which has developed since the late 1960s, is being reevaluated by policy makers, who often base their decisions on data that is insufficient, inaccurate, and is collected and analyzed using methods of evaluation that are flawed. In view of the current situation, it is advisable to

revisit, albeit briefly, major events over the past twenty years in order to obtain an historical perspective of the various issues involved. Given the nature of this paper, which focuses on bilingual education research and litigation, part of the emphasis will be on the socio-political context in which educational policy for addressing the needs of language minority children developed and has evolved. Legislation and litigation, along with enforcement efforts by the Executive branch of government, will be discussed to provide the background to better understand the current debate, proposed policy options, legislative initiatives, and litigation strategies for the next several years.

With regards to legislation, as noted by Teitelbaum and Hiller (1977), it was impossible to imagine in 1964 that the Civil Rights Act would to become the principal legal tool for language minorities to employ in pursuing equal educational opportunities. With the passage of the Elementary and Secondary Education Act (ESEA) of 1965, the involvement of the Federal Government in public school education took on new emphases and a civil rights obligation and conscience. * In late 1968 Congress approved Title VII of ESEA, the Bilingual Education Act, thus enacting a policy that explicitly endorsed bilingual instruction as a pedagogically-sound approach to the education of language

* Prior to the ESEA the federal government enacted legislation which also increased its involvement in educational matters. The G.I. Bill of the late 1940's and the National Defense and Education Act of 1958 are the most significant of these efforts. However, it is not until the ESEA that we find a greater emphasis on the obligation of school districts to comply with civil rights law or suffer the loss of federal funds.

minority students. The example set by the Congress resulted in several states enacting legislation that mandated or allowed bilingual instruction, beginning with Massachusetts (1971), Texas, Illinois and California (1973), Michigan (1974), New Jersey (1975), and Wisconsin (1976), among others.

The research evidence offered in support of most bilingual legislation was, by any standard, very limited and superficial. In the case of the Congressional Bilingual Act it consisted mainly of reports on the lack of achievement by Mexican-American students in southwestern states conducted by various groups and government agencies, as well as on personal testimony by several educators regarding their experiences with these students. A closer look at the basic terminology used in this legislation and in subsequent state bilingual legislation, reveals that it did not flow from research in bilingual education or language acquisition. A good example of this were the problems caused by the use of the term "limited English speaking ability" to describe students eligible for bilingual services under most bilingual legislation. This led to the use, for many years, of English language "dominance" testing as the principal --if not the only-- criteria for prescribing educational services. It was not until later that Congress realized that speaking is but one of the skills involved in learning a language. In the 1978 amendments to the Bilingual Education Act, the term "children of limited English proficiency," was used in recognition of the other skills (listening, reading, and writing) that the research literature points to as essential to academic learning (Gonzalez

and Fernandez, 1978). Enforcement efforts by the Office for Civil Rights (OCR), then part of the Department of Health, Education, and Welfare (HEW), began in 1970 with the issuance of the May 25th Memorandum (35 Fed Reg. 11595), which under authority of the 1964 Civil Rights Act, required school districts to take specific steps to address the "language deficiencies" of national origin minority group students. Following the rare, unanimous decision of the U.S. Supreme Court in Lau v Nichols (414 U. S. 563, 1974), OCR developed a set of guidelines to be used internally by investigators in evaluating the adequacy of plans submitted by districts that were found in violation of Title VI for not providing services to language minority children. Even though these guidelines were never official policy of HEW's OCR, they were used extensively during the period from 1975 through 1980 and several hundred compliance plans bear their imprint. It is obvious that they had a major impact in promoting bilingual education as the most appropriate method of serving LEP children. As with the legislation, the "Lau Guidelines" also failed to draw from the research and recommended the use of language dominance testing as a means of placing students in categories which then determined the type of educational service they could receive. This was strongly criticized by bilingual educators and by the late 1970's some OCR branches across the country began to insist that school districts use measures of English language proficiency to prescribe the type of bilingual service LEP students should receive.

In the arena of litigation after Lau, several important cases followed, the most significant being Serna v. Portales,

499 F.2d 1147 (1974), where Mexican American plaintiffs were successful in getting a bilingual education program, and Aspira v. Board of Education of New York, 58 F.R.D. 64; 72 Civ. 4002 (S.D.N.Y. August 1974), given the large number of students affected by the consent decree. This last case created the largest bilingual instructional program in the country and the publicity generated by it, which was national in scope, affected districts across the U. S., Puerto Rico, and other territories and possessions. While litigation activity continued during the late 1970's, it was somewhat overshadowed by the greater reliance placed on OCR enforcement efforts as a means to promote and establish bilingual education programs. Nonetheless, important legal precedents were set in several cases which merit at least a quick review.

In Cintron v. Brentwood Unified School District, 455 F. Supp. 57 (E.D.N.Y. 1978), and concurrently in Rios v. Read, 480 F. Supp. 14 (E.D.N.Y. 1978), great emphasis was placed on what constitutes an adequate bilingual program. In Cintron the "Lau Remedies" were given "great weight" and it was made clear that a bilingual classroom teacher must be bilingual. In Rios quality was made a required criteria of any bilingual education program which aims to ensure equality of educational opportunity for national origin students. It is important in both of these cases to point to the court's reliance on the Equal Educational Opportunity Act of 1974 as one of the principal sources of authority in finding for the plaintiffs.

In Otero v. Mesa County, 408 F. Supp. 162 (D.Colo. 1975),

vacated on other grounds, 568 F. 2d 1312 (10th Cir. 1977) and in Guadalupe Organization, Inc. v. Tempe Elementary School District No. 3, 587 F.2d 1022 (9th Cir. 1978), plaintiffs were not as fortunate. What appears to be flawed legal and pedagogical strategizing and an extremely limited use of the research evidence on the part of plaintiffs --coupled with two courts which spent more time discussing how plaintiffs claims were "unAmerican" rather than objectively weighing their claims-- led to two court decisions that continue to be negative precedents in bilingual litigation.

There was other litigation, however, it is not until early in the 1980's that a string of other decisions in separate courts begin to receive much attention. Aside from Plyler v. Doe, _____U.S._____,102 S. Ct. 2382 (1982), where the U. S. Supreme Court unconstitutional a Texas statute depriving the children of undocumented workers --mostly Mexicans-- from access to public education, the three most important decisions specific to bilingual education were Castaneda v. Pickard, 648 F. 2d. 989 (5th Cir. 1981), U. S. v Texas, 506 F. Supp. 405 (1981); reversed in part, remanded in part, 680 F. 2d. 356 (5th Cir. 1982), and Keyes v Denver, 576 F. Supp. 1503 (D.Colo. 1983). These three decisions have impacted bilingual education, not only by affecting legislation but also litigation strategies themselves, so that a new direction has been charted. Any attempt to evaluate the importance of these judicial rulings, which will be discussed at length later on, especially Castaneda, must be examined in the social and political context in which policy-making takes place.

One of the earliest critiques of bilingual programs funded under Title VII program was contained in the evaluation report prepared in 1977 by the American Institutes for Research (AIR) at the request of the Office of Education. The report received widespread publicity and influenced the opinion of policy-makers in Congress. Another influential criticism of bilingual education as an educational policy came from Noel Epstein, a Washington Post reporter who published a monograph titled **Language, Ethnicity, and the Schools** (1977). In it he castigated policy-makers for supporting with federal dollars an educational methodology which was of questionable effectiveness, as evidenced by the findings of the AIR study and his own journalistic inquiries into the topic. Again, because of the national publicity Mr. Epstein's booklet and various articles received (many other newspapers echoed his sentiments in numerous editorials), his opinions were given weight and recognition in Washington and in other parts of the country. Finally, in 1981, an internal study conducted by two staff persons in the Department of Education produced a lengthy critique of bilingual education, pointed out its "lack of effectiveness," and urged that it no longer be supported as the program best suited to address the needs of LEP children (Baker and de Kanter, 1981, 1983).

The events described above take place in an ideological atmosphere that could be characterized as ethnocentric and chauvinistic in its strong nativist orientation. One needs to bear in mind that while all this was going on, there were events transpiring elsewhere that revealed a similar ideological bent.

In 1982, a referendum was held and approved by a large margin prohibiting the use of public funds to promote the use of any language other than English in Dade County (Miami). Although its impact on day-to-day life was minimal, it clearly showed an anti-Hispanic bias, exacerbated by the influx of Cuban and Haitian refugees into the area in 1980. In 1981 an organization called U.S. English was formed with the express purpose of promoting the constitutional amendment establishing the primacy of English in the U. S. Former Senator S. I. Hayakawa was selected to chair its board of directors, mostly because he had introduced a constitutional amendment in the last days of his tenure in Congress. In addition to the amendment, according to Yzaguirre (1984), there are bills pending in Congress specifically designed to repeal the bilingual provisions in the Voting Rights Act, and several states --Kentucky, Nebraska, Illinois, Virginia and Indiana-- have already adopted English as their official state language.

Interestingly, more recent developments seem to indicate that the mood of Congress is changing in some respects. After years of debate, a bill to promote language learning in America's schools finally appears ready to be given serious consideration and reasonable funding. The interest generated across the country by the various reports on education that have emerged in the last year is genuine, in spite of electoral politics, and many state legislatures have moved or are moving toward new initiatives in required competencies for students and teachers, better salaries for school personnel, improved teacher training and revised cer-

tification requirements and procedures.

An important aspect of the debate being held in cities across America deals with excellence in education. In a way, it is reminiscent of the issues being aired in the late 1950s as part of the debate over how to improve the capability of American schools in the areas of Math, Science, and Foreign Language education, which led to the passage of the National Defense Education Act in 1958. However, a major difference today is the concern by many civil rights advocates that the push for equity in American society over the past two decades is being weakened by the emphasis on excellence. Indeed, the two goals -- excellence and equity- are often pitted against each other, especially when attempts are made to put into practice the notion of excellence by raising academic achievement standards and expectations for all students, and by instituting minimum competency testing (MCT), with denial of diplomas and retention in grade as penalties for failure. Although the impact of MCT has not been studied in depth with regard to national origin minority children, it is evident that this movement potentially could have negative results on these children, especially LEP students. The reported litigation has focused on the disparate impact of MCT on racial minorities, (Debra P. v. Turlington, 474 F. Supp. 244 (M.D.Fla. 1979)), aff'd. in part, vacated and remanded in part, 644 F. 2d. 397 (5th Cir.1981), reh. denied, 654 F 2d. 1079 (5th.Cir. 1981), 564 F. Supp. 177 (M.D. Fla. 1983) on handicapped students, Brookhart v. Illinois State Board of Education, 697 F. 2d. 179 (7th Cir. 1983), or on both, Anderson v. Banks, 540 F. Supp. 761 (S. D. Ga. 1981). As Siegel (1983) has pointed out,

"none of the reported decisions have considered the validity of competency testing for purposes of diploma denial to national origin minority students." He goes on to state that the imposition of English language tests, with failure sanctions, on LEP students who have not received adequate remedial instruction is a violation of the Equal Educational Opportunity Act.

As might be expected, it is still too early to tell what the impact of these initiatives will be on language minority students. The reauthorization of Title VII will be a good indicator of the mood of the Congress with regard to bilingual education. However, in spite of recent research efforts in bilingual education, policy-making at the federal level continues not to be influenced in any noticeable way by research findings. Moreover, although the role of litigation in this field is changing, there remain research lacunae in key areas. It is unlikely that litigation will cease to be a fundamental change strategy employed by advocates of the rights of language minority students. Therefore, the need is great for investigators to develop a research agenda that includes topics of interest to litigants and the clients they represent.

Current Status of Litigation

A review of the current status of litigation pertaining to national origin language minority students is in order before proceeding to examine research-related issues. As stated earlier, three recent cases stand out because of their importance and potential impact on national origin language minority students and biingual education: Castaneda v. Pickard, U. S. v.

Texas, and the most recent decision in Keyes v. Denver. They are discussed below. Other important litigation outside of bilingual education which will not be discussed because it would lead us away from the primary focus of this paper. However, it is important to mention that school finance litigation since San Antonio Independent School District v. Rodriguez, 411 U.S. 1 (1973) has been promising area in equity litigation which may ultimately have the greatest impact on language minority children. Because such litigation merits lengthy, separate treatment, it will not be addressed here but it definitely should constitute a fertile field of inquiry for minority advocates and scholars in the coming years.

Castaneda was a class-action suit against the Raymondville, Texas Independent School District (RISD) brought by parents of Mexican American students, who alleged that the RISD engaged in policies and practices of racial discrimination against Mexican-Americans in violation of the Fourteenth Amendment, Title VI of the Civil Acts of 1964, and the Equal Educational Opportunities Act of 1974. Three areas of concern were brought forth by the plaintiffs: the ability grouping of students, the hiring and promotion of teachers and administrators, and the district's program of bilingual instruction. The District Court found in favor of the defendants on all claims. The Court of Appeals for the Fifth Circuit remanded the issue of discriminatory hiring and promotion practices because of the District Court's failure to consider any evidence and make findings, as requested by plaintiffs. With regard to plaintiffs' claim that the bilingual

program of the RISD violated Title VI, the Fifth Circuit affirmed the lower court's finding of no violation and, in passing, expressed "its serious doubts ... about the continuing vitality of the rationale of the Supreme Court's opinion in Lau v Nichols...." The Court stated:

> Although the Supreme Court in Bakke did not expressly overrule Lau, as we noted above, we understand the clear import of Bakke to be that Title VI, like the Equal Protection Clause, is violated only by conduct animated by an intent to discriminate and not by conduct which, although benignly motivated, has a differential impact on persons of races. Whatever the deficiencies of the RISD's program of language remediation may be, we do not think that this program was intended or designed to discriminate against Mexican American students in the district. Thus, we think it cannot be said that the arguable inadequacies of the program render it violative of Title VI. Id. at 1007.

In spite of this finding, the Appeals Court concluded that the bilingual program of the RISD did violate Section 1703 (f) of the Equal Educational Opportunity Act (EEOA), which makes it unlawful for an educational agency to fail to take "appropriate action to overcome language barriers that impede equal participation by its students in its instructional program." The Court's analysis is very thorough and deserves to be quoted at length:

> We understand Section 1703 (f) to impose on educational agencies not only an obligation to overcome the direct obstacle to learning which the language barrier itself imposes, but also a duty to provide limited English speaking ability students with assistance in other areas of the curriculum where their equal participation may be impaired because of deficits incurred during participation in an agency's language remediation program.

The Court did recognize that districts have considerable latitude in setting up their language response programs:

> ... 1703 (f) leaves schools free to discharge these obligations simultaneously, by implementing a program designed to keep limited English speaking students at

> grade level in other areas of the curriculum by providing instruction in their native language at the same time that an English language development effort is pursued, or to address these problems in sequence, by focusing first on the development of English language skills and then later providing students with compensatory and supplemental education to remedy deficiencies in other areas which they may develop during this period. Id. at 1011.

In order to judge the adequacy of the program developed by a school district to address the needs of LEP students, the Court developed a three-pronged test. First, the district must show that its (proposed) program is "informed by an educational theory recognized as sound by some experts in the field, or, at least, deemed a legitimate experimental strategy." Second, the programs and practices actually in use must be reasonably calculated to implement effectively the educational theory adopted by the local school. The language of the Court is explicit: "We do not believe that it may fairly be said that a school system is taking appropriate action to remedy language barriers if, despite the adopting of a promising theory, the system fails to follow through with practices, resources, and personnel necessary to transform the theory into reality." Id. at 1010. Finally, the outcome of the implementation must be analyzed and, if necessary, revised, in order to achieve the desired results: "If a school's program, although premised on a legitimate educational theory and implemented through the use of adequate techniques, fails, after being employed for a period of time sufficient to give the plan a legitimate trial, to produce results indicating that the language barriers confronting students are actually being overcome, that program may, at that point, no longer constitute appropriate action as far as that school is concerned." Id. at 1010.

The importance of Castaneda cannot be underscored enough since it has become the cornerstone for legal analysis in subsequent litigation. Its impact has also been felt in the legislative arena where there is increasing pressure to repeal the bilingual-only requirement for programs funded under Title VII of ESEA as well as for state-funded programs. Of relevance to the broader topic of this paper is the fact that it was in large measure due to the lack of convincing evidence about the effectiveness of bilingual instruction and to the confusion that exists on the evidence that is available (pro as well as con) that the Court opted for a solution that obviated having to take a definite stand on any single instructional approach. In taking this approach, the Fifth Circuit seemed to echo the findings of the Lau decision, which also favored no particular method of teaching national origin language minority students.

The second decision, U. S. v. Texas, and the third decision Keyes v. Denver, were both rendered as part of lengthy, protracted litigation. Although they will not be discussed as thoroughly as Castaneda, they deserve some analysis, given their importance and relationship to the earlier decision.

The U. S. v. Texas case dates back to 1975, when the Mexican American Legal Defense and Education Fund (MALDEF) filed a motion on behalf of plaintiffs - the American G. I. Forum and the League of United Latin American Citizens (LULAC) - to enforce the District Court's prior order in a civil action brought forth in 1971. Plaintiffs also claimed **de jure** discrimination against Mexican-Americans, as well as violations of Title VI of the Civil

Rights Act and of the Equal Educational Opportunities Act. They challenged the adequacy of the State of Texas' efforts to respond to the needs of children of limited English proficiency. The Court found in favor of the plaintiffs and ordered a comprehensive remedy which involved an extensive plan of bilingual education services for all grades, a uniform process to identify limited English proficiency students, uniform exit criteria, and reform of the Texas Education Agency's (TEA) monitoring and enforcement. The State of Texas appealed the decision and the Fifth Circuit, based on a series of technical questions, reversed the lower court's findings and remanded the case for retrial (Cardenas, 1982). Parenthetically, it is important to note that one possible impact of his decision was that in 1981 the Texas Legislature significantly increased funding levels for various aspects of the state's foundation program and related categorical aid, including a revision of the Bilingual Education Act. The language of the Court of Appeals is quite clear on the inadequacy of Texas' efforts, and the spirit of Castaneda is evident in this important passage:

> At trial, plaintiffs' experts presented abundant testimony supportive of the court's finding that the 1973 Texas bilingual program was pedagogically unsound, largely unimplemented, and unproductive in its results. Plaintiffs' experts testified that one hour of intensive English per day for grades four through twelve was not adequate, that the first educational experience of these children had to be bilingual, and that the state's overall proficiency score of 23 percent on a written standardized test did not justify entry into a normal classroom. The evidence was even more overwhelming concerning the TEA's lack of implementation of the existing, under-funded program. Despite evidence that bilingual programs were not actually bilingual in many school districts, sanctions were not being imposed. In fact, the state

> apparently lacked an adequate monitoring instrument, and limited English-speaking students were not being adequately identified. ... Undoubtedly there was adequate evidentiary support for a conclusion that in some areas local programs for remedying the educational handicaps of limited English-speaking students were deficient.

U. S. v. Texas is therefore still very much an important case, given its impact on the state which has the second largest number of Hispanic students in the country but especially because it reaffirms the precedent set a year earlier in Idaho Migrant Council v. Board of Education, 647 F. 2d. 989 (5th Cir. 1981), which held that Section 1703 (f) of the EEOA is an enforceable obligation upon states as well as local school districts (Siegel, 1983).

The last decision to be reviewed is the latest in a fifteen-year period of litigation in Denver over the issue of desegregation in a multiethnic school district. In a sweeping thirty-one page opinion issued in December, 1983, the U. S. District Court found pervasive violations of the rights of language minority school children in the Denver Public Schools due to the school district's failure to implement a transitional bilingual education program. The Court reaffirmed the appropriateness of bilingual education as a "recognized and satisfactory" approach to the special educational problems confronted by language minority children, and ordered wide-ranging relief in seven different areas of program implementation.

The Court found a need for changes in both the design of the language programming for such children and in the service delivery system. It found specifically that, at a minimum, such changes must remedy the current program's (1) failure to take lan-

guage programming needs into account in pupil assignment; (2) failure to fully serve, identify, and classify limited English proficient (LEP) children in need of appropriate services; (3) lack of adequate standards and testing of the qualifications of bilingual and English-as-a-Second-Language (ESL) personnel; and (4) failure to provide adequate identification, remediation, and follow-up for learning problems arising from inadequate programming. The Court also found that the district's failure to fully implement its transitional bilingual education program amounted to a failure to fully attain the unitary, non-racially and ethnically discriminatory school system required by federal constitutional and statutory law.

The Court's decision is the first major, detailed consideration of language programming issues for LEP students since Castaneda. Prevailing parties in the case were the language minority students, parents, and members of the Congress of Hispanic Educators (CHE). The Court's findings were not limited to Hispanic students alone, however, and during the remedial phase of the case the needs of **all** language groups found in the LEP population were to be addressed. Unquestionably, this decision, which was not appealed by the district, is likely to become an important precedent in future litigation as the first of the progeny of Castaneda.

Litigation Strategies and Educational Research

It can be argued that, in the litigation process, the principal force working against certain national origin minority plaintiffs is of a political-ideological nature. Whatever shortcomings may be found in the litigation strategy or in the evidence presented to support the claims are, in this view, of lesser importance. In the case of Hispanics, it may well be that the political and ideological climate in the country, best characterized by a hostile view of Hispanics as a "problem group," affects negatively how courts, government agencies, school districts and the general public respond to claims of discrimination in the delivery of educational services. However, even if this were the case, it must not deter Hispanics or any other minority groups from the obligation to generate research-based analyses of the special problems they face in educational systems, and to propose research-based solutions.

With the hope that more tolerant and/or supportive political times may come, it is imperative to engage in a review and critique of the existing research and research strategies in a quest for the most sound knowledge base which supports minority claims for equity and fairness in their dealings with educational institutions.

In educational equity litigation, especially after Brown v. Board of Education, 347 U.S. 483 (1954), social science research has been used at times as an element of persuasion in favor of plaintiffs. As the progeny of Brown reached the courts, new paths were opened as educational research was used to support broad and comprehensive remedies aimed at eradicating the acade-

mic and psychological harm caused by racial segregation.

As Hispanics increased their use of equity litigation in the early 1970's, social science research which explored the condition of the group in the nation's schools became more visible and applicable. For example, as Jane Mercer (1973) reports, a comprehensive study was conducted in 1965 in Riverside, California to locate all mentally retarded persons in the community. The findings of this study pointed to the abuses committed by the school district in labeling disproportionate numbers of Mexican-American children as retarded. The results of the study were widely disseminated and eventually reached the courts and helped to expose the harm brought to Hispanic children of Mexican descent inappropriately evaluated and placed in programs for the mentally retarded in California schools (see Diana v. California State Board of Education, No. C-70 37 RFP, District Court of Northern California (February 1970). The reports on the treatment of Mexican-American students in the schools of the Southwest by the U. S. Commission on Civil Rights during the late sixties and early seventies also helped sensitize courts to the educational needs of this group. Expert educational consultants like Dr. Jose Cardenas from Texas, successfully drew from pedagogical theory to persuade a federal court of the need for a comprehensive bilingual education program for Mexican and other children in a desegregation case, United States v. Texas (San Felipe del Rio), 342 F. Supp. 24 (E.D. Tex. 1971)). *

* For a balanced view, it should be said that Dr. Cardenas did not fare as well in two other cases where he appeared as an expert witness for the plaintiffs: Otero and Keyes. In both cases his proposals were rejected by the courts.

In retrospect, as it relates to national origin minority students of limited English proficiency, Roger Rice, a co-author of this paper and one of the attorneys involved with Lau v. Nichols has suggested that perhaps Lau could have gone further in advancing the rights of language minority children if the state of the research on language usage and school academic performance had been more compelling in 1972 when the case was tried. This conjecture on what the outcome of the case might have been is not aimed at rewriting history; it only suggests that in the early 1970's (and into the present) advocacy and political strategy was moving ahead of academic research.

Until very recently national originequitylitigation was shaped by the strategy and the pronouncements of the Lau decision. Furthermore, the pre- and post- Lau equating of national origin status almost exclusively with language usage resulted in legal remedies which have been necessarily language-based, as are bilingual education and English as a Second Language. The isolation of the language variable, which researchers and bilingual advocates have embraced somewhat uncritically, has particularized and fragmented the learning problems faced by Hispanic and other national origin students: a sense of the totality of the problem has been lost.

Nonetheless, litigation will continue to be the principal recourse of national origin minorities seeking equity in the schools, especially Hispanics. Such litigation will, of necessity, have to follow strategies shaped in part by legal precedents. Most of it will focus on the need to ensure, at a minimum,

adequate educational services and facilities for national origin limited English proficient students. Remedies in many cases are likely to involve some form of bilingual education. Because of the resurgence in the country of bilingual education as an equity issue, its identification with the Hispanic agenda and its subsequent politicization, sound academic research and reliable data from evaluations of existing bilingual programs will be key to successful litigation. Consequently, and without meaning to give the impression that linguistic and instructional research is the only type of research needed, a critique of the available relevant research and of research trends in this area is in order.

To the degree that bilingual instruction is defined as a temporary response to what is perceived educationally, legally and politically as a transient problem in the society, it will carry a negative stigma: that of a specialized instructional approach to be used in eradicating the learning "deficiencies" of language minority students. This conception of bilingual education is far from what the term suggests, i.e., the notion that children in these programs will be instructed in two languages and will become "bilingual." It is also far from what many proponents of bilingual education, especially Hispanic communities, are suggesting: that bilingual instruction should lead to functional bilinguality in students. Officially, as it is practiced in most school systems today, bilingual education is of a "transitional" type, aimed at the teaching of English to limited English proficient students. In fact, because of the contradictions which exist between equity definitions of bilingual instruction and educator/community definition[s], we find that a good

portion of the literature and the research on bilingual education is flawed by imprecise definitions of the concept of bilingual education.

Research and the Bilingual Education Debate

James Cummins (1982), Paulston (1976) and others have argued that the proponents of bilingual education, as well as the opposition, have failed to account for their positions through the research literature on second language acquisition and bilingual education; as a result, there is conflicting research emerging in these areas. Specifically, Cummins' criticism of the theories postulated by proponents of bilingual education is that they assume that language minority students cannot learn, and academically perform poorly in school, due to a "language mismatch" between student and school. Therefore, bilingual instruction (and often bilingual proponents are not too clear on what type of bilingual instruction they prefer) is the answer. Bilingual instruction is advanced as a panacea which will help the language minority child learn English and, consequently, perform better academically. Without bilingual education, regardless of the environment in which language minority students find themselves, there can be no learning or academic achievement. According to Cummins, this explanation is not adequately supported by available research evidence.

Opponents of bilingual education, on the other hand, argue that bilingual instruction retards the language minority student academically, especially in the acquisition of English language skills. In other words, if anything will make such children

succeed, it is greater exposure to English and less to the native language. To the degree that the native language is suppressed, the child will perform better academically and will learn more English, and do so faster. This explanation, Cummins argues, is also not supported by the research.

What the research in second language acquisition and the growing field of bilingual education evaluation suggests is that language, by itself, is not the key variable in predicting the language minority student's acquisition of English language proficiency and/or academic success. Other factors, such as the socio-cultural context in which language is learned, may be as important as the language of instruction, be it in the first or second language.

However, bilingual research has not adequately explored the role played by the socio-cultural contexts in the academic performance of language minority students, particularly those students with limited English proficiency (LEP). In addition, the research is contradictory regarding the performance of different language minority groups: some seem to do much better than others in learning English and school achievement (for example, Asians generally do better than Hispanics). To explain this, Cummins (1982, 1984) draws from the sociological literature on theories which purport to explain the low socioeconomic status of Hispanics and other racial minority groups in the U.S., and speculates that what determines the nature of their response to, or their interaction with educational institutions is the treatment of Hispanics as a "caste" (Ogbu, 1978). Another theoretical proposition is that some Hispanic groups function as colonized groups

(see Barrera, 1979, and Blauner, 1972, on the "internal colonial" model). If the message Hispanic children receive from the society and its educational institutions is as negative as that received by their parents and other adults in the community, this could account for the pattern of academic failure among Hispanic students. Cummins (1982) hypothesizes that a "bicultural ambivalence" -- a pattern of ambivalence, hostility and insecurity towards the majority group, as well as of shame of one's heritage and language -- may explain the inconsistencies in the research evidence relative to language minorities and schools. Cummins' hypothesis is yet to be tested. Others, however, although perhaps less clearly than Cummins, have also suggested similar explanations for the research data inconsistencies (Troike, 1978). But the problem remains that trends in the form and scope of bilingual research do not immediately promise a full test of the "bicultural ambivalence" hypothesis.

Limitations of Bilingual Research

Contemporary approaches to bilingual research originated in parallel fashion to other educational research prompted in the 1960's by the federal government's appropriation of monies to support compensatory education efforts. As educational consumerism (Ianni and Orr, 1979) developed, traditional research approaches did not suffice to meet the demand for evaluation of the many federally-funded programs. By the late 1960's evaluation research was requested urgently to aid in the development of national and state educational policy. The educational research agenda was also changing. Concern for individual and cultural

/racial/group differences, a concept emerging in the 60's with the push to guarantee educational equity, brought about a refocusing of the research: both the individual and the educational program would come under scrutiny. Furthermore, concern for cultural, racial, and socio-economic variables forced educational researchers to draw from other disciplines such as anthropology and sociology, to aid in the formulation of new research approaches (Ianni and Orr, 1979).

It was as part of its compensatory efforts that Congress appropriated monies for transitional bilingual education in 1968. However, no research money was appropriated for bilingual education until 1974. Troike (1978) states correctly that bilingual education began to be implemented without a research base to inform it. During all of the 1970's, bilingual research money was scarce, which forcibly limited the amount of basic research. Most of the bilingual education research produced was in the form of Title VII-ESEA bilingual program evaluations which served no useful purpose in policy making.

Most researchers agree that evaluation research is limited by many external circumstances. It often aims to confirm program objectives and goals in order to ensure programmatic survival (Cohen, 1979). It is also quite susceptible to political pressures. Bilingual evaluation research, from its beginning, has been no exception. The political controversy surrounding the program, especially after litigation and civil rights enforcement made of bilingual education an equity response, in many ways determined the nature and intent of the program evaluations

conducted. Bilingual education had to be sold, even when there were serious problems in its implementation.

Nonetheless, serious but scattered attempts at documenting bilingual efforts through both evaluation and basic research began in the 70's. Troike (1978) documented twelve successful bilingual education projects in a review of the research literature that provided research-based support for bilingual methodologies.* A critique of the focus of such research projects will be incorporated into a broader critique of bilingual research later on in this paper.

The opposition to bilingual education also engaged in evaluation research to show how such programs don't work. Again, the politicization of bilingual education invited the prostitution of the research process to meet the demands of political expediency and ideological agendas (see Seidner and Medina-Seidner, 1981, for a discussion of how this has plagued bilingual research in the U.S.).

The first major attack on bilingual education was the American Institutes for Research (AIR) Evaluation of the Impact of ESEA Title VII Spanish/English Bilingual Programs (1977) previously mentioned. Gray (1978), Troike (1978), and others have made careful methodological rebuttals of the document, pointing to its flawed methodology --its inferences from aggregated data undermining significant differentiations between bilingual program models; its failure to control for extraneous variables such as there being no bilingual teachers in some of the bilin-

* Zappert and Cruz (1980) have also published a comprehensive review of bilingual education research.

gual programs studied, and faulty procedures for students' program entry and exit, and others. The report was accused by many of being a political statement against bilingual education. Troike (1978), however, warns that some of the bilingual implementation problems it condemned ought to be carefully studied and not disregarded: bad programs are bad for bilingual education and its deficiencies should be exposed.

Also in the same category with the AIR report is the "review of the literature" on bilingual education reports produced by Baker and deKanter (1981, 1983) while working for the Department of Education's Office of Planning, Budget and Evaluation. Their review suggested that the research does not support the claimed effectiveness of bilingual education and that perhaps other approaches should be explored, such as "structured immersion" and "English as a Second Language," even though their review also failed to find adequate research support for these two approaches. The document surfaced at a critical political moment for bilingual education when the new Administration was searching for ways to end federal monetary support for bilingual education as well as civil rights enforcement of bilingual instruction as an equity response. Seidner (1981) criticized the report for relying almost exclusively on evaluation studies and "program output" data, and documented how it was overtly flawed by the use of inappropriate statistical tests and of less powerful statistical tests on the original data of the studies with which the authors seem to disagree.

It has been the overt reliance on evaluation research informed by "quantitative" paradigms that has dominated the form and scope of bilingual research since its inception, both by proponents of bilingual education and their opponents. For example, a review of the "effective" bilingual programs found by Troike (1978) reveals that all of them focused on quantitative program outcomes, as measured by standardized and criterion-referenced tests. Troike himself is cognizant of some of the conflicting results among his "model programs," and he recommends that future evaluation research take more care to account or control for socio-economic and cultural variables, as well as for extraneous variables relative to programmatic implementation of the programs, such as qualifications and training, and student language assessment.

Much of the opposition to bilingual education comes from quantitatively-based studies which often reveal (as did some of the studies reviewed by Baker and de Kanter) a failure of bilingual instruction tc meet the expectation of improved English language skills and improved academic performance, regardless of the norm. Again, the methodology of these studies has involved the input-output approach and the use of statistical tests to establish significance or correlations of some sort.

When one considers the "ambivalence" hypothesis postulated by Cummins (1982) and the analysis that guides his formulation, it is evident that quantitative methodologies alone may not be suitable in responding to the research questions posed by bilingual education, when this instructional approach is used to meet the educational needs of a politically powerless and socially

rejected racial minority group, as is the case with most Hispanic and other language subgroups.

Theoretical Paradigms Which Have Informed Bilingual Research

As stated earlier, the limitations of bilingual basic and evaluation research are symptomatic of the experimental quantitative traditions dominant in educational research. Evaluation research, particularly, is also influenced by the emphasis on cost-benefit analysis, especially since the mid 1960s. Ianni and Orr (1979) have argued that the connection between traditional logical-quantitative research and evaluation research has hurt the latter because it tends to assume that no other methodological tools would render objective and reliable results. Cook and Reichardt (1979) have also argued that such a tradition limits evaluation research by limiting the focus of evaluation studies to outcome-oriented-confirmatory types.

The arguments are reminiscent of the debate between the phenomenologists (supposedly of a "qualitative" paradigm methodological base) and the logical-positivists (supposedly of a "quantitative" paradigm methodological base). Campbell (1979) has suggested that such distinctions, at least among serious researchers, are a thing of the past. Others will argue that the qualitative/quantitative debate may never end. This debate notwithstanding, a more reasonable approach to the research needs of education today, given the complexity of the forces that affect the schools, ought not be limited by such imaginary divisions. While recognizing that there are powerful ideologies informing

the distinctions between the aforementioned paradigms, Cook and Reichardt (1979) have argued that in practice, both ideological groups borrow methodologies from one another. Therefore, the nature of the research should guide scholars in selecting the type of methodology needed.

An extension of these arguments to the problems of form, scope and purpose in bilingual education research, be it basic or evaluative, suggests the need for a break from the traditional outcome, cost-benefit approach and its methodologies. Informed by theories in the social sciences that point to racial minority groups as colonized populations and to some language minority groups (such as most Hispanic subgroups and Native Americans) that are adversely affected by such stigmatization and oppressive treatment, bilingual research may need to rely upon methodologies which take into account the socio-cultural context variables that will affect the outcome of the research.

Basic quantitative research and evaluations have already shown that some bilingual education instructional approaches at least reverse the trend of academic failure among language minority groups (Cummins, 1980, 1982, 1984). However, there are still many research questions to be answered. In fact, the problem with the bilingual research available seems to be the inconsistencies in statistical outcomes being reported. This may be a function of the research design (Cohen, 1979). There is little doubt that sound, well conceptualized, well-designed bilingual basic and evaluation research can provide answers to some

of the more troublesome questions that have emerged from various critiques of bilingual research literature. It is particularly important to engage in research that responds or clarifies, for instance, the differentiation in academic achievement among the various language minority groups in U.S. society, e.g., why Asian groups seem to do better in the schools -- with or without bilingual education -- than certain Hispanic subgroups. We also need research that can clarify the differentiation in academic achievement within certain sectors of the Hispanic group, e.g., better academic achievement among recent Hispanic immigrant students than among certain Hispanic students born here or having more experience with U.S. schools.

Finally, if research in bilingual education is to be helpful, it must refocus to account for concealed factors emerging from the process of program implementation. The literature suggests that excessive reliance upon quantitative measures of success and failure, especially in bilingual evaluations, has led to the oversimplification of complex relationships and the undermining of non-measurable factors that may contribute to outcomes. With the politicization of bilingual education and the legal imposition of such programs on recalcitrant school districts, there are bound to be purposeful and subtle attempts at bad faith implementation of bilingual efforts, which will certainly affect outcomes. At least the available research seems to suggest that bilingual education, as an instructional methodology, does not

retard the learning of any group, if well implemented.* What the research needs to help prove or disprove, is whether bilingual education is a must, an indispensable part of the instructional program for language minority students -- like some Hispanic subgroups -- that do not do well in school because they are adversely affected by stigmatization and oppressive treatment. Bilingual research may have to draw from conceptual models of inquiry radically different from those used to date, which are informed by social science theories that shed light on the societal factors impacting the attainment of greater social, political, economical and educational equity of racial minority groups. The "bicultural ambivalence" hypothesis postulated by Cummins seems to need refinement, but it is a start and an indication of the need for a fusion of conceptualizations and methodological approaches. A sociology of knowledge approach (Mannheim, 1936) perhaps can aid in defining the social-cultural context variables that seem to affect, for instance, Hispanic educational inequality. The critical assessment of the societal relations that affect the status of the language minority group in question will be key to a determination

* The recently concluded Significant Bilingual Instructional Features (SBIF) descriptive study, one of the research activities under Part C Research Agenda for Bilingual Education, provides a good review of the various successful features in a significant number of bilingual programs through out the country. This study can be consulted for more evidence in support of bilingual education. See "An Emerging Description of Successful Bilingual Instruction: Executive Summary of Part I of the SBIF Study by William J. Tikunoff, Far West Laboratory for Educational Research Development, San Francisco, California, 1983.

of the methodological tools to be used in the collection and the analysis of data.

An analysis of the propositions from Cummins (1982), Troike (1978), Trueba et al. (1981), Noblit (1984) and others, also suggests the need for more exploratory, qualitative-based bilingual education studies to aid in refining or formulating new hypotheses. Noblit (1984), for instance, has suggested that when we find the forces of irrationalism in the social structure, such as uncontrolled competition and domination by force --both of which clearly adversely affect Hispanics' and Blacks' relations with the larger society-- it is absurd to seek rationalistic solutions to problems that may be appropriately said to be in the realm of the irrational. Carefully defined theoretical constructs and applied, practical ethnography may be encouraging (Noblit, 1984). Trueba et al. (1981) have also urged the use of ethnography as a technique for studying language and classroom behavior of national origin minority students.

Suggestions for Future Research

Equity litigation on behalf of national origin language minority students will continue. It is hoped that it will break away from the limitations imposed by the language-based-only solutions prevalent in most previous bilingual litigation and will seek to ensure that remedies include other ways of treating or eradicating other educational, socio-cultural, socio-economic and socio-political obstacles to equality of educational opportunity. To guide future research, we are suggesting areas where additional knowledge is needed that is relevant to ongoing or planned national origin minority litigation. The list below is not all-inclusive, has not been prioritized, and may be redundant in part, but we are plagued by problems of construct and variable definitions, which is evident in most postulations of the problems that require research attention. Therefore, these suggestions are made not as definitive statements of what a research agenda should look like. Rather, the intention behind them is to generate dialogue that will lead to further refinement, expansion or modification of this preliminary list of possible concerns.

1. Thoughtful definitions of bilingual education and of the instructional variations of the concept when used as the treatment variable (in basic or evaluation research), are desperately needed. As previously discussed, the literature suggests that researchers and educators continue to work with imprecise definitions of bilingual education. One cannot hypothesize, for instance, that bilingual instruction will result in improved native language proficiency when the instructional model being implemented is a transitional bilingual model or when the model relies more on English as a Second Language trained teachers for its implementation than on properly trained bilingual teachers.

2. Operational definitions are also needed of constructs such as native language proficiency, English language proficiency, bilinguality, semilingualism, surface fluency (or Cummins' (1979) "Basic Interpersonal Communicative Skills"), conceptual linguistic knowledge (or Cummins, 1979, "Cognitive Academic Language Proficiency"), and other theoretical constructs in use by bilingual educators.

3. Most bilingual education program evaluations and research focus on test-measured outcomes, often on English language test scores alone. As previously discussed, this has led to conflicting program evaluation and research outcomes. In the case of politically controversial equity programs, such as bilingual education and desegregation, research cannot afford to rely only on test-measured outcomes. Other student- and program-related variables need to be studied. Troike (1978) and Cummins (1984) have pointed to a number of successful programs which need to be further scrutinized for the isolation of those characteristics that made them successful. Some program evaluations suggest that bilingual education programs can have a positive impact on reducing school absenteeism and drop-out rates among Hispanic students. Others suggests that students' self-esteem is enhanced by the cultural components of bilingual programs while the same cannot be said of ESL-only programs. Others seem to conclude, that achievement in all areas improves as the result of bilingual program participation. Can we in fact measure the number of days and hours of instruction gained by students as a result of their participation in bilingual classrooms? Can we make comparisons to school attendance and successful completion of high school? Can we get irrefutable research findings of the positive impact of bilingual education on non-academic measures of school success?

4. Qualitative research is needed on specific school districts' disposition towards the implementation of bilingual education. Concealed factors such as a school principal's negative attitude towards the program, poorly staffed programs, untrained or monolingual teachers instead of trained bilingual teachers, lack of bilingual materials, inadequate funding, students' reaction to the negative stigma of being associated with what may be often an unpopular program, parental attitudes towards the program, and many other variables identified in the bilingual literature, may need to be controlled for or adjusted in order to remove their negative effect(s) on program outcomes. Classification of the most extraneous of these variables for their consideration is necessary to prevent making erroneous inferences from summative quantitative data alone. A few well designed educational ethnographies may help shed some light on the effects of the above on bilingual instructional effectiveness.

5. One important area for serious scrutiny concerns national origin minority students who come from homes where a language other than English is predominantly spoken; are <u>not</u> classified as limited English proficient, as measured by whatever local standard of proficiency may exist; but who are nonetheless

experiencing academic difficulties in school. Much clarity is needed in addressing the source and nature of their identified academic deficiencies. There are issues related to appropriate diagnosis, testing, and program placement; there is a need to study further the ways in which national origin background, including but not limited to language, has a causal impact on school-student interaction, and ultimately on academic success (or functionally, on equal opportunity as defined in pedagogical terms). Finally, there is a need to better define and design appropriate pedagogical responses to correct the identified academic deficiencies of these students.

6. There is an urgent need to study further the effects of socio-economic status (SES) on national origin students' academic achievement, especially those of limited English proficiency. Some studies that control for SES, or at least interpret SES variables, can help clear the air on some of the confusion caused by those who persist in suggesting that SES variables, and not schools, are the only cause of national origin students' poor academic performance. Many minority youngsters would stand to lose even limited educational services if school districts could convince judges that it was "merely poverty" and not language, national origin, ethnicity, or sheer bad pedagogy that causes low academic achievement.

7. New in-depth studies of successful instructional strategies which are known and capable of replication would be a major contribution to understanding remedies for the learning needs of national origin students. There is a need to do further development and extensive follow-up of the "Significant Bilingual Instructional Features" (SBIF) and its findings must be carefully examined. Can we isolate concrete and implementable instructional or other strategies which seem to make a difference in the success of bilingual education projects? The question is comparable to the question posed in other contexts about effective schools research. With national origin students and LEP students in bilingual programs, part of the need is to firm up the scientific basis of the most salient observations of what seems to be working. Equally important is the articulation of ways to incorporate positive findings in changing what takes place in schools. Often these questions arise in the context of designing remedies in minority and national origin litigation. What variables promote or hamper incorporating positive changes?

8. Under court order in Castaneda v. Pickard, a Spanish language achievement test is to be developed for use in Texas. The question of a Spanish language achievement test has arisen twice now in the litigation context. In United States v. Texas the issue arose in the context of setting program exit standards for a transitional bilingual education program. In Castaneda the issue focussed on the tracking of Mexican-American students based on English language achievement tests. In both cases the courts felt that no appropriate tests existed to measure the achievement of Spanish-speaking children in Texas schools. There are a host of educational, psychometric and practical questions about the

development and use of such tests. In the cases mentioned the courts were concerned that students not suffer adverse consequences because schools lacked accurate information about their academic skills. The area is ripe for research, and the courts would in all likelihood welcome any new light which can be shed on these complex subjects.

9. Testing issues also arise in the context of minimum compentency tests (MCT) which are quickly being enacted at high school and college levels. The impact of such tests are nearly always negative as evidenced by the large numbers of minority students, Black and Hispanic, who fail such tests. As with the Spanish language achievement tests there are a host of measurement and pedagogical issues which need to be researched, not the least of these should be some attempt to determine whether Hispanic students have had the same academic exposure to the skills tested for in the MCTs. Questions relative to the adequacy of bilingual education programs and ESL instruction which may have been available to national origin minority students would be among the areas to be reviewed, along with questions about the validity of certain tests.

10. Testing questions are also a major concern in school districts with inadequate special or exceptional educational services for national origin minority students, especially those school districts with large Hispanic populations. Testing is an important aspect of the initial diagnosis of students with physical or mental disabilities, and form the basis for determining the "appropriate" instructional setting and the student's "mainstreaming" into so-called "regular" educational classrooms. It has been well established both in the litigation context (Lora v. Board of Education, 456 F. Supp. 1211 (1978) and Jose P. v. Ambach, 79-C-270, New York, 1979) and in educational circles that available tests for national origin LEP children are inadequate. Research aimed at the design and development of new tests, both in English and Spanish, is definitely needed. Research aimed at assessing the impact of test usage in ensuring adequate diagnosis and appropriate instructional remedies for these children is also needed. Most important of all is the need to research the use of language-based instructional strategies for national origin and LEP students in special education programs. As Cummins (1984) has suggested, special educators have borrowed from the same misguided and faulty theoretical assumptions made by other educators about how language affects the academic learning of language minority students, and this has adversely affected the growth of adequate models of instructional response to LEP special education students. New research can surely aid in this emerging area of need and interest.

11. Another area which deserves serious attention is the proliferation of so-called "immersion programs." Such programs need to be studied for a variety of reasons, not the least of which is that they are frequently urged by those who would dismantle existing bilingual education programs. What concretely is meant by immersion? How many immersion programs incorporate the

existing research on the subject as opposed to being submersion programs with a new name? What are the actual accomplishments and failures of such programs? How are they structured? The bottom line is that policy makers may be trying to implement something without any real grounding. There is a research gap which needs to be closed on this subject.

12. There have been a number of well-publicized judicial rulings in the area of school finance over the past decade. However, there is a need for analysis of state and local funding mechanisms and allocations of resources with reference to equity for Hispanic students. The question is not limited to state and local funding for bilingual education programs, although that is certainly a part of the issue. It is also important to look at other state funded programs to determine who benefits from the new education reform initiatives. In addition there is much inquiry to be done in the area of intra-district resource disparities. How do we go about demonstrating those disparities among schools? What kinds of things are the most educationally significant to look at? What does the latest research show about a nexus between resource inputs and achievement outcomes and how does that apply to national origin minority and Hispanic students in big city schools, for example? Again, the answers can have immediate policy implications in a variety of legislative and judicial situations.

13. Research is also needed in the area of bilingual teacher training. If bilingual education is going to be promoted as a pedagogically sensible approach to the education of national origin minority students, then there ought to be greater scrutiny of bilingual teacher training programs. Are these programs providing bilingual teachers with an adequate understanding of the theory and practice of bilingual education and with sufficiently developed skills in the two languages of instruction? Are adequate courses available to prospective bilingual teachers in bilingual instructional methodologies, or are they being trained in English-only reading and writing methodology courses which ignore the variations in language instruction by language? What, in fact, is an adequate bilingual teacher training curriculum?

14. Some Hispanic social scientists and educators are looking forward to the potential use of the internal colonial model. The model can provide guidance in the postulation of theoretical constructs which may help explain the impact that the unequal and oppressive relationship which exists between Hispanics and the dominant society may have on Hispanic student achievement in the schools. Olivas (1981) has suggested that more historical research inclusive of analyses of governance structures, litigation, legislation and immigration can facilitate more theoretical work aimed at understanding internal colonialism and its manifestations in education.

Concluding Remarks

The relationship between educational researchers and advocates who litigate on behalf of national origin language minority children should be strengthened and expanded. Research findings can play a role in policy-making as well, whether it is through legislation or by means of the regulatory process. However, it is clear that new perspectives are needed in research design and methodologies if they are to have any real impact on litigation and legislation in the 1980's and beyond. New questions must be asked, and previously researched areas must be revisited with different assumptions and hypotheses in mind.

Although it may not be possible to change or control the political climate in which compromises are worked out over highly volatile issues such as bilingual education and, more broadly, the education of national origin language minority students, researchers and advocates can collaborate more closely than in the past in exploring new avenues of inquiry, experimentation, and data collection and analysis. Their ultimate goal should be to break new ground in the never-ending search for reliable evidence and other data that will be useful in clarifying some of the most pressing and perplexing research questions facing us. To a great extent, the promotion of equal educational opportunities for millions of language minority children will be dependent on these efforts.

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